

Appln. No.: 09/988,241
Amendment dated August 29, 2005
Reply to Office Action of June 3, 2005

REMARKS/ARGUMENTS

The office action of June 3, 2005, has been carefully reviewed and these remarks are responsive thereto. No claims have been amended, but rather the listing of claims is provided for the examiner's convenience and reference. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 9, 10, 12-15, 18, 19, 23-26, 29, 30, 34, 37-40, 43, and 47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Leung (U.S. Publ. Appl. 2002/0142757). Applicant respectfully traverses this rejection for at least the following reasons.

Pending claim 1 recites, *inter alia*:

- (i) in a first cell, receiving from a base station corresponding to the first cell, a broadcast message communicating multicast session information for a plurality of cells comprising the first cell and a second cell;
- (ii) tuning to a multicast session in the first cell using the received multicast session information;
- (iii) when a predetermined condition occurs, tuning to the multicast session in the second cell using the received multicast session information.

In order to reject a claim as anticipated under 35 U.S.C. §102, a single prior art reference must teach every aspect of the claimed invention. MPEP § 706.02. However, Leung does not teach or suggest the recited features of claim 1. Indeed, Leung only goes so far as to describe a conventional prior art system upon which aspects of the present invention improve.

For example, the Office Action cites paragraphs 58-90 and 50 of Leung as describing the above-recited steps. Paragraph 58 of Leung, however, merely describes the existence of high-speed multimedia broadcasting service, which Applicant does not dispute is known. Paragraph 59 of Leung describes mobile stations' subscribing to a content server to learn broadcast schedules, but does not indicate that the content server provides multicast session information, much less for a plurality of cells. Paragraph 59 further describes a conventional method of base stations providing parameters in overhead messages, but again does not indicate that such parameters are sent by a

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base station in a first cell for the first cell and a second cell, as claimed. Paragraph 59 reads as follows:

[0059] According to the exemplary embodiment, a service provider is referred to as a Content Server (CS), wherein the CS advertises the availability of such high-speed broadcast service to the system users. Any user desiring to receive the HSBS service may subscribe with the CS. The subscriber is then able to scan the broadcast service schedule in a variety of ways that may be provided by the CS. For example, the broadcast content may be communicated through advertisements, Short Message System (SMS) messages, Wireless Application Protocol (WAP), and/or some other means generally consistent with and convenient for mobile wireless communications. Mobile users are referred to as Mobile Stations (MSs). Base Stations (BSs) transmit HSBS related parameters in overhead messages, such as those transmitted on channels and/or frequencies designated for control and information, i.e., non-payload messages. Payload refers to the information content of the transmission, wherein for a broadcast session the payload is the broadcast content, i.e.,

the video program, etc. When a broadcast service subscriber desires to receive a broadcast session, i.e., a particular broadcast scheduled program, the MS reads the overhead messages and learns the appropriate configurations. The MS then tunes to the frequency containing the HSBS channel, and receives the broadcast service content.

Paragraph 50 does not cure the defect of paragraph 59. Indeed, paragraph 50 actually recites that mobile terminals may receive multiple transmissions from *multiple* base stations, not multicast session information for a plurality of cells comprising the first cell and a second cell, from *a base station* corresponding to the first cell, as claimed.

Applicant has likewise reviewed the remainder of Leung and finds no teaching or suggestion of the features of claim 1 in Leung. The closest portion of Leung appears to be the use of broadcast session parameter messages (BSPM) as described with respect to Figure 16 in Leung. However, BSPM messages still only provide information corresponding to a single base station, as illustrated at paragraphs 83-84 in Leung. Leung therefore does not anticipate claim 1 because Leung fails to describe, in a first cell, receiving from a base station corresponding to the first cell, a broadcast message communicating multicast session information for a plurality of cells comprising the first cell and a second cell, and thereby also fails to describe the remaining steps of claim 1. Dependent claims 2-8 and 10-11 are allowable for at least the same reasons as claim 1.

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In addition, with respect to claim 2, Leung does not describe that multicast session information comprises a session identifier and a list of cells in which the multicast session is available. Indeed, as Leung does not describe the provisioning of multicast session information for a plurality of cells, such information cannot, by definition, include a session identifier and a list of cells in which the multicast session is available, as claimed.

Independent claim 9 recites at least similar features as claim 1, and is therefore allowable for similar reasons. In addition, Leung does not describe, teach, or even suggest the use of link-level access parameters in multicast session information, as Leung does not provide multicast session information for a plurality of cells, as discussed above.

Independent claim 12 claims a mobile terminal storing computer readable instructions that perform a method with similar steps as claim 1. Claim 12 is thus allowable for similar reasons as claim 1, and dependent claims 13-22 are therefore allowable as well.

Independent claim 23 claims a computer readable medium storing computer readable instructions that perform a method with similar steps as claim 1. Claim 23 is thus allowable for similar reasons as claim 1, and dependent claims 24-33 are therefore allowable as well. Claim 24 is further allowable for similar reasons as claim 2.

Independent claim 34 recites, *inter alia*, "receiving a session announcement corresponding to a multicast session, the session announcement comprising information that maps link-level access parameters in each of a plurality of cells to the multicast session." As discussed above, Leung does not send session announcements, much less session announcements having information for link-level access parameters for multiple cells, and claim 34 is therefore not anticipated by Leung.

Independent claim 37 recites at least similar allowable features as claim 1, and is therefore also not anticipated by Leung. Dependent claims 38-46 are allowable for at least the same reasons. Claim 38 is further allowable for similar reasons as claim 2.

Independent claim 47 recites, *inter alia*, "transmitting from a base station corresponding to the first cell, a broadcast message communicating multicast session information for a plurality of cells comprising the first cell and the second cell." Because, as discussed above, Leung does not describe such a feature, Leung does not anticipate claim 47.

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Rejections Under 35 U.S.C. § 103

Claims 5, 6, 11, 20-22, 31-33, and 44-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leung in view of McCormick (U.S. Pat. No. 6,519,455). Claims 7, 16, 27, 35, and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leung in view of Examiner's Official Notice. Claims 8, 17, 28, 36, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leung in view of Das *et al.* (U.S. Publ. Appl. 2001/0036834, hereinafter Das). The aforementioned claims are each allowable, however, based on the allowability of their respective base claims, because neither McCormick, Das, nor the Examiner's Official Notice, either alone or in combination, cures the deficiencies of Leung.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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Dated this 29 day of Aug, 2005

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